

**STATEMENT OF BASIS (AI No. 42567)**

for draft Louisiana Pollutant Discharge Elimination System permit No. LA0100650 to discharge to waters of the State of Louisiana.

**THE APPLICANT IS:** Mosquito Control Contractors, Inc.  
P.O. Box 9868  
New Iberia, LA 70562

**ISSUING OFFICE:** Louisiana Department of Environmental Quality (LDEQ)  
Office of Environmental Services  
Post Office Box 4313  
Baton Rouge, Louisiana 70821-4313

**PREPARED BY:** Yvonne Baker

**DATE PREPARED:** November 3, 2008

**1. PERMIT STATUS****A. Reason For Permit Action:**

Permit reissuance of a Louisiana Pollutant Discharge Elimination System (LPDES) permit for a 5-year term.

**B. NPDES permit –** NPDES permit effective date: N/A  
NPDES permit expiration date: N/A  
EPA has not retained enforcement authority.

**C. LPDES permits –** LA0100650  
LPDES permit effective date: November 1, 2003  
LPDES permit expiration date: October 31, 2008

**D. Date Application Received:** March 13, 2008; the facility submitted an LPDES Notice of Intent to Discharge Sanitary Wastewater; however, the facility has a history of noncompliance with the previous permit, an individual permit is being issued to cover their treated sanitary wastewater.

**2. FACILITY INFORMATION****A. FACILITY TYPE/ACTIVITY - pest control operation**

The facility provides mosquito control for Iberia Parish. The facility kills mosquitoes, monitors mosquito populations, conducts disease surveillance, and provides public education.

**B. FEE RATE**

1. Fee Rating Facility Type: minor
2. Complexity Type: I
3. Wastewater Type: III
4. SIC code: 4959

**C. LOCATION -** 4806 East Old Spanish Trail in Jeanerette, Iberia Parish  
Latitude 29° 58' 25", Longitude 91° 45' 01"

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### 3. OUTFALL INFORMATION

#### Outfall 001

Discharge Type: treated sanitary wastewater  
Treatment: STP with extended aeration  
Location: at the point of discharge from the STP prior to mixing with other waters  
Flow: 1000 GPD  
Discharge Route: via ditch to local drainage thence into Bayou Teche

### 4. RECEIVING WATERS

STREAM - via ditch to local drainage thence into Bayou Teche

BASIN AND SEGMENT - Vermilion - Teche Basin, Segment 060401

DESIGNATED USES -  
a. primary contact recreation  
b. secondary contact recreation  
c. propagation of fish and wildlife

### 5. TMDL STATUS

Subsegment 060401, Bayou Teche-From Keystone Locks and Dam to the Charenton Canal, is not listed on LDEQ's Final 2006 303(d) list as impaired. However, subsegment 060401 was previously listed as impaired for phosphorus, nitrogen, organic enrichment/ low DO, pathogen indicators, suspended solids/ turbidity/ siltation, and carbofuran, for which the below TMDL's have been developed. The Department of Environmental Quality reserves the right to impose more stringent discharge limitations and/or additional restrictions in the future to maintain the water quality integrity and the designated uses of the receiving water bodies based upon additional TMDL's and/or water quality studies. The DEQ also reserves the right to modify or revoke and reissue this permit based upon any changes to established TMDL's for this discharge, or to accommodate for pollutant trading provisions in approved TMDL watersheds as necessary to achieve compliance with water quality standards.

The following TMDL's have been established for subsegment 060401:

#### TMDL for the Pesticide Carbofuran in the Mermentau River and Vermilion-Teche River Basins.

There are no known point source discharges of Carbofuran in the Mermentau Basin, and therefore no allocation was given to point sources. There is one point source in the Vermilion-Teche (FMC Corp. LA0064360) but they do not discharge Carbofuran. Likewise no allocation was given to point source discharges in the Vermilion-Teche River Basin. Because Mosquito Control Contractors, Inc. does not process nor produce or handle Carbofuran or related products, effluent limitations or conditions will not be placed in this permit.

#### TMDL for TSS, Turbidity and Siltation for the Bayou Teche Watershed

The TMDL for TSS, Turbidity, and Siltation for the Bayou Teche Watershed was finalized on May 2, 2002. As per the TMDL "Point source loads do not represent a significant source of TSS as defined in this TMDL. Point sources discharge primarily organic TSS, which does not contribute to

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habitat impairment resulting from sedimentation. Because the point sources are minor contributors, and dischargers of organic suspended solids from point sources are already addressed by LDEQ through their permitting of point sources to maintain water quality standards for DO, the wasteload allocation for point source contributions were set to zero. This TMDL only addresses the landform contribution of TSS/sediment and does not address the insignificant point source contributions." Therefore, TSS limits will be permitted in accordance with state policy.

Bayou Teche Oxygen Demand TMDL

The discharger inventory for Bayou Teche and its tributaries was reviewed. A search on the LDEQ Permit Tracking System yielded 110 facilities discharging to Bayou Teche and its tributaries. Of these 110, twenty-two were included in the model projections. The remaining facilities were not included in the model and were eliminated based on the following:

- they were no longer discharging to the watershed
- they did not discharge oxygen demanding pollutants
- the volume of their discharge was insignificant
- their location was not in the Vermilion-Teche basin
- best professional judgement

Facilities of similar size and wastewater type to this discharge were eliminated from specific modeling in this TMDL due to insignificant discharge volume.

LDEQ's position, as stated in the declaratory ruling issued by Dale Givens regarding water quality criteria for nutrients (Sierra Club v. Givens, 710 So.2d 249 (La. App. 1st Cir. 1997), writ denied, 705 So.2d 1106 (La. 1998)), is that when oxygen demanding substances are controlled and limited in order to ensure that the dissolved oxygen criterion is supported, nutrients are also controlled and limited. The implementation of this TMDL through wastewater discharge permits and implementation of best management practices to control and reduce runoff of soil and oxygen-demanding pollutants from non-point sources in the watershed will also control and reduce the nutrient loading from those sources. The implementation of best management practices in the Bayou Cocodrie watershed and the Atchafalaya Basin to control and reduce runoff of soil and oxygen-demanding pollutants from nonpoint sources will also control and reduce the nutrient loading entering the Bayou Teche watershed. The primary nutrient source is the Atchafalaya Basin which has the Mississippi River as its primary source. The key to reducing nutrient loading in Bayou Teche is the reduction of nutrient loading to the Mississippi River.

Given the distance from the discharge point to the impaired named waterbody for which the TMDL was completed and the insignificant volume of the discharge, effluent limitations and requirements in this permit will be based on Louisiana's approved WQMP - Statewide Sanitary Effluent Limitations Policy for discharges of this treatment type and size.

Bayou Teche Fecal Coliform TMDL

The Louisiana Water Quality Regulations require permitted point source discharges of treated sanitary wastewater meet the standard at end-of-pipe. Therefore, there will be no change in the permit requirements based upon a wasteload allocation resulting from this TMDL.

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Effluent limitations for fecal coliform have been placed in this permit at the standard end-of-pipe.

## 6. PROPOSED EFFLUENT LIMITS

BASIS - See Rationale below.

Change from Previous Permit: Monthly averages were added to Outfall 001 for BOD<sub>5</sub>, TSS and Fecal Coliforms.

## 7. COMPLIANCE HISTORY/COMMENTS

- A. OEC – An inspection on August 14, 2008 noted the facility was not sampling effluent; nor submitting DMRs to LDEQ.
- B. DMR Review/Excursions – A DMR review of the 5 DMRs on file at LDEQ noted the following excursions in permitted limits:

<u>Date</u>	<u>Parameter</u>	<u>Outfall</u>	<u>Reported Value</u>	<u>Permit Limits</u>
05/04	Fecal Coliform	001	1000 col/100 mL	400 col/ 100 mL
10/03	TSS	001	130 mg/L	45 mg/L
10/03	Fecal Coliform	001	1000 col/100 mL	400 col/ 100 mL

An invalid monitoring period was noted for 3 of the DMRs.

The facility will be referred to the Office of Environmental Compliance, Enforcement Division, for the violations noted above.

## 8. EXISTING EFFLUENT LIMITS

Outfall 001 – treated sanitary wastewater

Pollutant	Monthly Avg	Weekly Avg	Measurement Frequency
Flow - GPD	---	Report	1/quarter
BOD <sub>5</sub> - mg/L	---	45	1/quarter
TSS - mg/ L	---	45	1/quarter
Fecal Coliform colonies/100ml	---	400	1/quarter
pH, s.u.	6.0 (min)	9.0 (max)	1/quarter

## 9. ENDANGERED SPECIES

The receiving waterbody, Subsegment 060401 of the Vermilion - Teche Basin is not listed in Section II.2 of the Implementation Strategy as requiring consultation with the U.S. Fish and Wildlife Service (FWS). This strategy was submitted with a letter dated October 24, 2007 from Boggs (FWS) to Brown (LDEQ). Therefore, in accordance with the Memorandum of Understanding between the LDEQ and the FWS, no further informal (Section 7, Endangered Species Act) consultation is required. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat. Therefore, the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat.

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#### **10. HISTORIC SITES**

The discharge is from an existing facility location, which does not include an expansion on undisturbed soils. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the "Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits" no consultation with the Louisiana State Historic Preservation Officer is required.

#### **11. TENTATIVE DETERMINATION**

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to issue a permit for the discharge described in the application.

#### **12. PUBLIC NOTICES**

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspaper of general circulation

Office of Environmental Services Public Notice Mailing List